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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,990	01/30/2001	Gregg Randall Dorn	10001-0010	8469

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/771,990	DORN, GREGG RANDALL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jonathan Ouellette	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
     a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 14 states:  
“wherein the database is a via the Internet.”

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-4, 7-14, and 16-18** are rejected under 35 U.S.C. 102(e) as being anticipated by Fraccaroli (US 6,549,768).

5. As per independent Claim 1, Fraccaroli discloses an introductory system for participating users (C2 L46-50), comprising: at least one transceiver capable of broadcasting and receiving data from a plurality of other transceivers (communications network); a user interface; a hardware interface for exchanging data between the at least one transceiver and the user interface; and a database accessible by the user interface (Fig.1, C2 L46-60, C10 L40-67).
6. As per Claim 2, Fraccaroli discloses wherein the at least one transceiver includes a first memory location storing the data.
7. As per Claim 3, Fraccaroli discloses wherein the data includes a user ID and a participating user's personal characteristics.
8. As per Claim 4, Fraccaroli discloses wherein the data includes a participating user's personal preferences.
9. As per Claim 7, Fraccaroli discloses wherein the transceiver utilizes radio waves to transmit and receive data.
10. As per Claim 8, Fraccaroli discloses wherein the at least one transceiver broadcasts and receives data from other transceivers only when the at least one transceiver is in close proximity to other transceivers.
11. As per Claim 9, Fraccaroli discloses wherein the hardware interface exchanges data with the at least one transceiver via at least one of radio, light, infrared and direct wire connect.
12. As per Claim 10, Fraccaroli discloses wherein the user interface is at least one of a computer, a cell phone, a pager, and a Personal Digital Assistant, having the capability of accessing the database through a wireless connection.

13. As per Claim 11, Fraccaroli discloses wherein participating users enter at least one of personal preferences or personal characteristic into the user interface.
14. As per Claim 12, Fraccaroli discloses wherein the database allows the participating users to communicate.
15. As per Claim 13, Fraccaroli discloses wherein the participating users can communicate only if a mutual interest is detected.
16. As per Claim 14, as understood by the examiner, Fraccaroli discloses wherein the database is *accessed* via the Internet.
17. As per independent Claim 16, Fraccaroli discloses a method of facilitating personal introductions (C2 L46-50), comprising the steps of: broadcasting data from at least one transceiver; receiving data from at least one transceiver (communications network); storing the data in a memory store located in the transceiver; and accessing information based upon the stored data (Fig.1, C2 L46-60, C10 L40-67).
18. As per Claim 17, Fraccaroli discloses determining the existence of a mutual interest between more than one user; and permitting access to personal information *based* upon the mutual interest.
19. As per Claim 18, Fraccaroli discloses wherein the data includes a personal identification number.

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3629

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**21. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli.**

22. As per Claim 15, Fraccaroli fails to expressly disclose wherein the transceiver minimizes power consumption by utilizing an astable signal to turn on and off components.

23. However official notice is given that such power saving technology was well known and used for a multitude of battery-powered equipment at the time the invention was made.

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the transceiver minimizes power consumption by utilizing an astable signal to turn on and off components, in the system disclosed by Fraccaroli, for the advantage of providing an introductory system, utilizing mobile technology, with the ability to increase total system efficiency and effectiveness by automatically turning off the system mobile unit, if it is not in use.

**25. Claims 5 and 6 are rejected under 35 U.S.C. 103 as being unpatentable over Fraccaroli.**

26. As per Claims 5 and 6, Fraccaroli does not expressly show wherein the personal characteristics/preferences include at least one of age, sex, social habits and hobbies.

27. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The introductory system would be performed regardless of the user personal characteristics/preferences. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In*

*re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used personal characteristics/preferences which included at least one of age, sex, social habits and hobbies, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

#### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

30. The following foreign patent is cited to show the best foreign prior art found by the examiner:

**PCT No. WO 200062266A1 to LEV-ARI et al.**

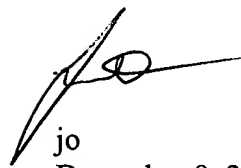
LEV-ARI discloses an automated on-line matchmaking apparatus for wedding or entertainment, which stores members' information to do matchmaking task and establishes immediate connection between two matched members through phone or Internet.


31. The following non-patent literature is cited to show the best non-patent literature prior art found by the examiner:

**Saunier, Veronique, "Dial your soulmate – with care Cupid's call gets wrong number," South China Morning Post, p3, March 18, 1999.**

Saunier discloses a system, which matches and connects mobile phone users according to pre-registered profiles.

32. Additional Non-Patent Literature has been referenced on the attached PTO-892 form, and the Examiner suggests the applicant review these documents before submitting any amendments.
33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.
35. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

  
jo  
December 9, 2003

  
JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600